

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 14, 2000

DIVISION TWO

B138270 Karen J. Segel
 Individually and as Trustee, etc. (Not for Publication)
 v.
 Ben Simon et al.

The order under review is affirmed. The Simons are entitled to costs on appeal.

Boren, P.J.

We concur: Nott, J.
 Mallano, J. (Assigned)

DIVISION TWO

B132441 Dickens Green Condominium (Not for Publication)
 Owners Association, Inc.
 v.
 Steven Zusmer

The judgment awarding \$7,882.78 to Dickens Green Condominium Owners Association is reversed and the cause is remanded for further proceedings. The order denying attorney fees and costs to Dickens Green Condominium Owners Association is affirmed. Parties to bear their own costs on appeal.

Boren, P.J.

We concur: Nott, J.
 Mallano, J. (Assigned)

August 14, 2000-Continued

DIVISION TWO (Continued)

B134616 People (Not for Publication)
v.
Pamela Yvette Blount

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B127568 People (Not for Publication)
v.
Orlando Ernie Smith et al.

The judgment against appellant Archie Critney Johnson is affirmed in its entirety. Appellant Orlando Ernie Smith's matter is remanded for resentencing in accordance with the views expressed herein. In all other respects, the judgment against appellant Orlando Ernie Smith is affirmed.

Boren, P.J.

We concur: Nott, J.
Cooper, J.

B131767 People (Not for Publication)
v.
Ricardo Quinones

The judgment is affirmed.

Boren, P.J.

We concur: Cooper, J.
Mallano, J. (Assigned)

August 14, 2000-Continued

DIVISION TWO (Continued)

B131192 People (Not for Publication)
v.
Steve Cordova

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

DIVISION FOUR

B130704 People v. Archer (Certified for Publication)
B135991 In re John Archer on Habeas Corpus

The judgment is reversed. The petition for writ of habeas corpus is dismissed as moot.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B138233 People (Not for Publication)
v.
Carbajal

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B134499 The People (Not for Publication)
v.
American Surety Insurance Company

The order denying American Surety Insurance Co.'s motion of and to vacate a forfeiture of its bail bond and to have its bond exonerated is affirmed. The People of the State of California are to recover their costs on appeal from American Surety Insurance Co.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B135656 People (Not for Publication)
v.
Johnson

The abstract of judgment is ordered corrected to show the following: (1) a term of imprisonment of 1 year, 4 months for appellant's Health and Safety Code section 11359 conviction; (2) a total term of imprisonment of 7 years, 4 months; (3) two \$50 laboratory analysis fees pursuant to Health and Safety Code section 11372; (4) a penalty assessment of \$100 pursuant to section 1464; and (5) a penalty assessment of \$70 pursuant to Government Code section 76000. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

August 14, 2000-Continued

DIVISION FIVE (Continued)

B136257 People (Not for Publication)
v.
Davis

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B131124 People (Not for Publication)
v.
Hughes

A one-year enhancement imposed pursuant to former Vehicle Code section 23182 is stayed. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B140446 People (Not for Publication)
v.
Contreras

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

August 14, 2000-Continued

DIVISION SIX (Continued)

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The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B137957 People (Not for Publication)
v.
Lawrence John D.

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B120703 People (Not for Publication)
v.
Rogelio & Gabriela Hernandez

The judgment as to appellant Gabriela Hernandez is affirmed in part and reversed in part, to wit: (1) her conviction of second degree murder under Penal Code section 187 (count I) is reversed, (2) her conviction of fatal child assault under Penal Code section 273ab (count II) is reversed; and (3) her convictions under the remaining counts are affirmed. Her case is remanded for retrial and/or resentencing. The judgment as to appellant Rogelio Hernandez is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SEVEN

B139360 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Teri F.
In re Cicily S.

The order is affirmed.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

B122156 Gonzalez (Not for Publication)
v.
Purvis

The order granting a new trial is reversed as to liability and damages and the judgment is reinstated thereon. The order denying expert witnesses fees is reversed, and plaintiff is awarded expert witness fees in the sum of \$48,930.96. The order denying defendant's motion for judgment notwithstanding the verdict is affirmed. Appellant is to recover costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B133953 People (Not for Publication)
v.
John P., a minor

The order under review is affirmed.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

DIVISION SEVEN (Continued)

B137373 Santa Paula Theater Center (Not for Publication)
v.
Nonprofits' Insurance Alliance of California

The order denying the petition to compel arbitration is reversed. Appellant to receive costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B132529 People (Not for Publication)
v.
Sandoval

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

B132563 People (Not for Publication)
v.
Zardeneta

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

DIVISION SEVEN (Continued)

B136055 People (Not for Publication)

V.

James T.

In re James T., a Minor Coming Under the Juvenile Court Law.

The case is remanded for the juvenile court to orally declare whether the offenses are felonies or misdemeanors. If either offense is declared a misdemeanor, the court shall recalculate the maximum theoretical period of confinement. In all other respects, the order under review is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

B136429 Finkle (Not for Publication)

V.

Finkle

The judgment is affirmed. Respondent(s) to recover costs.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B132726 Ockey (Not for Publication)

V.

Gordon Inman et al.

The judgment is affirmed. Costs of appeal are awarded to respondents.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

DIVISION SEVEN (Continued)

B136165 Grossman (Not for Publication)
 v.
 Grossman

The judgment of the trial court is reversed and remanded for proceedings consistent with this opinion. Appellant is entitled to costs incurred in connection with this appeal.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.